

## Submission in follow-up to HRC resolution 15/25 “The Right to development”

### The NHRC, India

- A. The right to development criteria and operational sub-criteria of the task force.** (Doc. A/HR 15/WG.2/TF/Add.2)
- B. The consolidation of findings of the task forces** (contained in document A/HRC/15/WG.2/TF/2/Add.1)
- C. The conclusions and recommendations of the task force, in particular with regard to the suggestions for further action on the criteria, thematic areas of international cooperation for consideration and mainstreaming the right to development.** A/HRC/15/WG.2/TF/2
- D. The way forward to ensure the effective implementation of the right to development.**

- A. The right to development criteria and operational sub-criteria of the task force.** (Doc. A/HR 15/WG.2/TF/Add.2)

<b>S. No</b>		<b>Observations /Suggestions</b>
1.	Implementation of the right to development: Attributes, criteria, sub-criteria and indicators	No comments, except that indicators are not an end in themselves and a more holistic view is necessary. For example high level of public expenditure on public service like health education may be meaningless unless accompanied by efficient delivery system.
2.	Consolidation of findings of the high-level task force on the implementation of the right to development	Democratic ownership of development strategies by the people through representative, transparent and accountable institutions is the main mechanism for achieving the effective governance of development. A true implementation of the principle of democratic ownership requires the necessary democratic policy space, and insists that national parliaments and civil society, including women’s organizations and other development actors, must have a say in defining development strategies.

- B. Consolidation of findings of the high-level task force on the implementation of the right to development**

<b>Conclusion and Recommendations</b>		
<b>S. No</b>		<b>Observations /Suggestions</b>
1.	Strengths and weaknesses of the MDG	There is need to develop clear mechanisms for much greater MDG localisation at country or regional levels with appropriate implementation mechanisms/instruments, for example, in governments' public expenditure planning, in policy formation and implementation, and also promote ownership of the development processes and capacity building.
2.	Structural impediments to economics justice	To reduce aid dependency, low income countries that cannot fund programs aimed at achieving the global development goals from domestic resources, should have their debt cancelled without imposing economic policy conditionalities. The creation of a fair and transparent mechanism for sovereign debt restructuring and cancellation and to review the legitimacy of the debt is urgently needed. This would help to overcome the arbitrary approach with which the problem has been addressed in the past and would make debt management a rules-based component of global economic governance
3.	Resistance to addressing trade and debt from a human rights perspective	1. There is an urgent need to provide greater technical assistance, as well as training and resources to allow developing countries to participate more fully in trade negotiations and dispute settlement procedures. 2. To assess the impact of trade negotiations on the developing world from a variety of public policy perspectives.
4.	Imperative and pitfalls of measurement of progress	There is a need to study the feasibility of a convention on development cooperation to strengthen commitments to internationally-agreed development goals; enhance policy coherence for development (from the international level down to the national level); address common standards for adherence; and improve international coordination among all actors towards effective responses to both immediate and long-term development challenges and demands.
5.	Ambiguity of "global partnership"	There should be a practical approach to operationalizing the right to development through assessment tools for global partnerships from the perspective of this right. So that the impact of this approach could lead

		towards the ultimate objective of contributing to the transformation of the principles underlying the right to development into development practice.
6.	Lack of policy coherence and incentives to move from commitment to practice	Effective development requires an equitable, democratic and inclusive multilateral architecture where the interests of the peoples of all countries worldwide are taken into account and where donors and developing country governments can mutually agree on policies and priorities for development. Fundamental reform is needed in the internal governance of existing intergovernmental organizations (IGOs), especially the IMF, the Financial Stability Board (FSB), the World Bank and the World Trade Organization (WTO). The voice of developing countries in these IGOs needs to be enhanced along with transparency, democracy and consultation in their decision-making processes.
7.	Necessary balance between national and international responsibilities for the right to development	Development cooperation by National and international bodies should be about supporting conditions in which people can exercise sovereignty over their own process of Right to Development. It should be in support of ordinary people striving to create economic, social, political and cultural institutions that are accountable, inclusive, participatory and democratic.

**C. The conclusions and recommendations of the task force, in particular with regard to the suggestions for further action on the criteria, thematic areas of international cooperation for consideration and mainstreaming the right to development. A/HRC/15/WG.2/TF/2**

<b>Conclusion and Recommendations</b>		
<b>S. No</b>		<b>Observations /Suggestions</b>
1.	The conclusions of the task force in relation to its dialogue with institutions concerned with access to essential medicines, technology transfer and debt relief are contained in an addendum to the present report (A/HRC/15/WG.2/TF/2/Add.1), in the	No comments

	<p>context of the consolidation of its findings on all aspects of its mandate. Its conclusions regarding the value of this dialogue for the right to development criteria and corresponding operational sub-criteria are reflected in another addendum (A/HRC/WG.2/TF/2/Add.2).</p> <p>(page- 70-71)</p>	
2.	<p>As the task force completes the three-phase work-plan assigned to it by the Working Group, it wishes to give careful consideration to the request from that body that it outline suggestions for further work, including aspects of international cooperation not covered until then, for the consideration of the Working Group at its eleventh session (A/HRC/12/28, para. 44). In formulating these suggestions, the task force has a single objective in mind, namely, to assist the Working Group in developing effective means and methods of implementing the right to development. The suggestions relate to (a) further action on the criteria; (b) thematic areas of international cooperation for consideration; and (c) mainstreaming the right to development.</p>	No comments

**D. The way forward to ensure the effective implementation of the right to development**

Effective implementation of the Right to Development requires an equitable, democratic and inclusive multilateral architecture where the interests of the peoples of all countries worldwide are taken into account and where donors and developing country governments can mutually agree on policies and priorities for development.

## **Some Major Observations and suggestions may be incorporated:**

The human rights-based approach to development, broadly understood, is a perspective that considers traditional goals of development activity, as the provision of health or educational services, food or shelter, as human rights. At the theoretical level, it represents an attempt to harmonize the main elements of human development theory with the normative framework of internationally recognized human rights. In the above mentioned documents there are some suggestions/recommendations:

- A. An important first step is that national and international parties involved in programs and plans to achieve the Millennium Development Goals need to make an explicit commitment to a rights-based approach in doing so, consistently with state commitments under human rights law, and in promotion of the Right to Development. While human rights principles are implicitly recognized in all public discussions on the issue, the Declaration on the Right to Development is not. An explicit commitment would add to the existing plans more specific procedures and mechanisms to ensure adherence to human rights principles and put into motion the necessary requirements for reviewing legislation, administrative procedures, accountability mechanisms and recourse. Explicit recognition of a Right to Development framework would be invaluable in the arena of international cooperation, within which donor and recipient countries together articulate the mechanisms and procedures necessary for giving effect to the Declaration and consequently for more effective action towards achieving the MDGs.
  
- B. Neglecting social protection pushed millions towards poverty during the crisis, and States should set up long-standing social protection systems. States should address the indebtedness of low- and middle-income countries, and consider an international debt relief mechanism. While States bore the primary responsibility for their own development strategies, all had the responsibility to help create a fair development environment, promoting equity and social inclusion, and integrating human rights and safeguards systematically in policies and programmes aimed at halting the negative impact of the financial crisis, which should be seen as an opportunity to rectify some of the negative points of the international system which had helped to trigger the crisis. There should be an improved economic system would safeguard the hard-won gains in development, human rights and security.
  
- C. In working to achieve the Millennium Development Goals' benchmarks and specific targets, a rights-based approach requires that states guarantee in law and in practice the protection of all human rights. These are the necessary elements of states' compliance with the Declaration on the Right to Development's requirement to 'ensure conditions favorable to the realization of the right to development.'

- D. In this global economy, trans-national corporations (TNCs) also have a very direct and major effect – negative or positive -- on the economies and development efforts in the countries where they work. They are significant players in flows of money to and from developing economies. Development discussions need to take up the activities and effects of TNCs on, for example, employment practices, the environment and general effects on economies of host countries as well as on total inflows and outflows of currency and funds. Yet there is insufficient discussion of their role (again, positive or negative) in the context of international cooperation to implement the MDGs. This is a gap in knowledge that needs to be filled. It may be useful to commission a research into the effect of TNC policies and practices on development efforts in general and achievement of the MDGs in particular, with reference to duties to respect, protect and fulfill human rights and in the context of the Right to Development.
- E. Trans-national corporations (TNCs) are regulated under the laws of their countries of origin and those of their host states, as well as under international law, and while states of origin and host states both have responsibilities to ensure that they operate in a manner consistent with international human rights obligations, the accountability of TNCs' is at times lost between them. There is a growing discussion in the general literature on the issue of corporate responsibility, and some of those companies are incorporating grant making in their 'social' activities. Donors' and recipients' MDG reports may also include information on the effects of activities of TNCs on poverty reduction strategies and on the global partnership for development, especially where such activities have a particular positive or negative effect on the enjoyment of human rights in that country.
- F. An essential element of a human rights approach is the *claim on entitlements* through advocacy, citizen participation, litigation, etc. This makes necessary a global partnership in advocacy training and sharing of experiences as well as planning and implementing on a national level. It would be important to facilitate and provide necessary resources for exchange programs across countries, bringing together interlocutors from different countries for purposes of sharing information and strategies along thematic lines; for example: women, indigenous peoples, human rights proponents, academic researchers, and governmental functionaries meeting around a particular theme. MDG 8 can be expanded to include building a global civil society by channeling resources to support such exchange programs that can enhance skills, inform strategies and empower the rights-bearers towards more effective participation and would strengthen accountability mechanisms at the same time. This is, arguably, one of the most important means of promoting a Right to Development approach.
- G. International cooperation is required, not only in the context of MDG 8 but as a matter of holistic and comprehensive approaches defined by the

Declaration on the Right to Development. A rights-based approach that considers all of the constitutive elements above would help to plan better, target development aid where individual communities and countries need it most, review more effectively and hold all parties to the development process accountable.

- H. A rights-based approach would require thorough review of relevant laws and their implementing procedures to make possible an adequate assessment of the development situation as a whole and progress on each of the MDGs from a human rights perspective.
- I. To make a comprehensive view and a rights-based approach operational, it would be important to encourage states to add a legal section to the reports, describing specifically the legal environment. This can either take the form of specific information on the law within reporting under each of the goals, detailing legal developments and improvement relevant to making progress towards their implementation, or in a separate legal section that takes a comprehensive view of the legal environment. It would be more useful in making the connections between the enjoyment of social and economic rights on the one hand, and developments in civil and political rights legislation that enable or hinder efforts to implement the development goals on the other.
- J. A development effectiveness approach should be taken advantage of existing monitoring and reporting systems for international human rights standards, gender equality, decent work, sustainable development and anti-corruption commitments, using these standards as a basis for measuring Right to Development outcomes.
- K. In working to achieve the Millennium Development Goals' benchmarks and specific targets, a rights-based approach requires that states guarantee in law and in practice the protection of all human rights, ensure equality and non-discrimination, sustainable and healthy environment-includes portable drinking water, pollution free air assurance of good governance and effective rule of law at all levels.

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